


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/242,893	06/24/99	LAI	013550-087

 BRUCE J BOGGS JR
BURNS DOANE SWECKER & MATHIS
PO BOX 1404
ALEXANDRIA VA 22313-1404

QM02/1022

EXAMINER

LEUNG, P

ART UNIT

PAPER NUMBER

3742

DATE MAILED:

10/22/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Resp Due 1/22/00
Chm 10/25
013550-087
JAMES River Corp.
BTB

Office Action SummaryApplication No.
09/242,893

Applicant(s)

LAI et al

Examiner

Philip H. Leung

Group Art Unit

3742



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims:

- ☒ Claim(s) 1-35 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-35 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/242,893

Page 2

Art Unit: 3742

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 21, 22 and 26** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Habeger, Jr. et al* (US 5,322,984) (cited in the parent application S.N. 08/703,100).

4. **Claim 21 and 22** are further rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Dehn* (US 4,320,274) (cited in the parent application S.N. 08/703,100).

5. **Claim 31** is rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Gades et al* (US 3,835,280) (cited in the parent application S.N. 08/703,100).

Application/Control Number: 09/242,893

Page 3

Art Unit: 3742

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 32-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gades et al* (US 3,835,280), in view of *Dehn* (US 4,320,274) or *Habeger, Jr. et al* (US 5,322,984).

Gades discloses the claimed invention except for the use of the antenna loop as a part of the microwave interactive pattern. *Dehn* or *Habeger, Jr.* teaches that it is well known in the art of microwave cooking containers to use a plurality of closed loops forming antenna structure to couple microwave energy to the desired areas of the containers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify *Gades* to include a plurality of antenna loops for coupling microwave energy to the food for better and more uniform heating results, in view of the teaching of *Dehn* (see col. 1, lines 27-40) or

Application/Control Number: 09/242,893

Page 4

Art Unit: 3742

Habeger, Jr. (see col. 3, line 44 - col. 5, line 2). The exact shape and the pattern of the reflective elements and the loops would have been a matter of engineering design variations depending on the shape and the size of the container, the relative positioning of the food and the characteristics of the food to be heated. The same can be designed by an ordinary artisan through routine trial and error experimentation.

8. **Claims 21-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Beckett* (US 5,117,078) or *Beckett* (US 5,310,980) (both cited in the parent application S.N. 08/703,100), in view of *Dehn* (US 4,320,274) or *Habeger, Jr. et al* (US 5,322,984).

Beckett '078 or *Beckett '980* discloses the claimed invention except for the use of a different configuration of microwave heating element for channeling energy towards the central region of the tray. *Dehn* or *Habeger, Jr.* teaches that it is well known in the art of microwave cooking containers to use a plurality of closed loops forming antenna structure to couple microwave energy to the desired areas of the containers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify *Beckett '078* or *Beckett '980* to use a plurality of antenna loops for microwave energy coupling to the food for better and more uniform heating results, in view of the teaching of *Dehn* (see col. 1, lines 27-40) or *Habeger, Jr.* (see col. 3, line 44 - col. 5, line 2). The exact shape and the pattern of the reflective elements and the loops would have been a matter of engineering design variations depending on the shape and the size of the container, the relative positioning of the food and the

Application/Control Number: 09/242,893

Page 5

Art Unit: 3742

characteristics of the food to be heated. The same can be designed by an ordinary artisan through routine trial and error experimentation.

9. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Beckett* (US 5,117,078) or *Beckett* (US 5,310,980), in view of *Dehn* (US 4,320,274) or *Habeger, Jr. et al* (US 5,322,984), as applied to claims 21-30 above, and further in view of *Mikulski et al* (US 4,703,148) (cited in the parent application S.N. 08/703,100).

Beckett '078 or *Beckett '980* combined with *Dehn* or *Habeger, Jr.* discloses the claimed invention except for the use of a sleeve for covering an inner tray carrying a food article. *Mikulski* shows that it is well known in the art of microwave cooking containers to use a sleeve with a microwave susceptible material to cover an inner tray to control the amount of microwave heating. It would have been further obvious to one having ordinary skill in the art at the time the invention was made to modify *Beckett '078* or *Beckett '980* combined with *Dehn* or *Habeger, Jr.* to use a sleeve with a microwave energy active heating element to cover the inner tray in order to control the heating pattern for better cooking result, in view of the teaching of *Mikulski*.

10. It is pointed out that since the file of the parent application S.N. 08/703,100 has been misplaced and therefore, unavailable to the Examiner, the applicant is respectfully requested to provide a copy of the claims in the parent application which were indicated as allowable by the Examiner. The applicant's cooperation would be most helpful and sincerely appreciated.

Application/Control Number: 09/242,893

Page 6


Art Unit: 3742

11. Other prior art cited in the parent application, *Keefer* (US 4,656,325), *Stone* (US 4,865,232), *Beckett* (US 5,126,518), *Beckett* (US 5,260,537) and *Beckett* (US 5,354,973) is also made of record but copies of them will not be supplied again. It is also requested that the prior art cited in the PCT report be listed on Form PTO-1449.

12. Any inquiry concerning any communication from the examiner should be directed to Examiner Leung whose telephone number is (703) 308-1710. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The fax phone number for this Group is (703) 308-7764.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.


PHILIP H. LEUNG
PRIMARY EXAMINER
ART UNIT 3742

P.Leung/pl
10-20-99